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3 Eastern District of Washington  
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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUL 23 2020

SEAN F. McAVOY, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA ) NO: 4:19-CR-6069-SMJ-4  
11 )  
12 vs. )  
13 ) Plea Agreement  
14 JOSE ANTONIO GONZALEZ-SANCHEZ )  
15 )

16 The United States of America, by and through William D. Hyslop, United  
17 States Attorney for the Eastern District of Washington, and Benjamin D. Seal,  
18 Assistant United States Attorney for the Eastern District of Washington, and  
19 Defendant, JOSE ANTONIO GONZALEZ-SANCHEZ, and Defendant's  
20 counsel, GREGORY L. SCOTT, agree to the following Plea Agreement:  
21

22 **1. Guilty Plea:**

23  
24 Defendant, JOSE ANTONIO GONZALEZ-SANCHEZ, agrees to plead  
25 guilty to Count One of the Indictment in this case, charging Defendant with  
26 Conspiracy to Distribute One Kilogram or More of Heroin, in violation of 21  
27 U.S.C. §§ 841(a)(1) & (b)(1)(A)(i) and 846.  
28

PLEA AGREEMENT  
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1           **2.     Maximum Statutory Penalties:**

2           Defendant, JOSE ANTONIO GONZALEZ-SANCHEZ, understands that  
3  
4 this is a Class A felony charge, which carries a maximum penalty of: a minimum  
5 of 10 years and maximum of life imprisonment; a fine not to exceed \$10,000,000;  
6 at least 5 years of supervised release; and a \$100 special penalty assessment.  
7

8           Defendant understands that a violation of a condition of supervised release  
9 carries an additional penalty of re-imprisonment for all or part of the term of  
10 supervised release without credit for time previously served on post-release  
11 supervision.  
12

13           **3.     Denial of Federal Benefits:**

14  
15           The Defendant understands that by entering a plea of guilty to Count One of  
16 the Indictment in this case, the Defendant may no longer be eligible for assistance  
17 under any state program funded under part A of title IV of the Social Security Act  
18 (concerning Temporary Assistance for Needy Families) or benefits under the food  
19 stamp program or any state program carried out under the Food Stamp Act  
20 pursuant to 21 U.S.C. § 862a. Further, the Court may deny the Defendant's  
21 eligibility to any grant, contract, loan, professional license, or commercial license  
22 provided by an agency of the United States or by appropriated funds of the United  
23 States pursuant to 21 U.S.C. § 862.  
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1           **4. The Court is Not a Party to the Agreement:**

2           The Court is not a party to this Plea Agreement and may accept or reject this  
3  
4 Plea Agreement. Sentencing is a matter that is solely within the discretion of the  
5 Court. Defendant understands that the Court is under no obligation to accept any  
6 recommendations made by the United States and/or by Defendant; that the Court  
7 may obtain an independent report and sentencing recommendation from the U.S.  
8 Probation Office; and that the Court may, in its discretion, impose any sentence it  
9 deems appropriate up to the statutory maximums stated in this Plea Agreement.  
10

11           Defendant acknowledges that no promises of any type have been made to  
12 Defendant with respect to the sentence the Court will impose in this matter.  
13  
14 Defendant understands that the Court is required to consider the applicable  
15 sentencing guideline range, but may depart upward or downward under the  
16 appropriate circumstances.  
17

18           Defendant understands that should the sentencing judge decide not to accept  
19 any of the parties' recommendations, that decision is not a basis for withdrawing  
20 from this Plea Agreement or a basis for withdrawing this plea of guilty.  
21

22           **5. Waiver of Constitutional Rights:**

23           Defendant, JOSE ANTONIO GONZALEZ-SANCHEZ, understands that by  
24 entering this plea of guilty Defendant is knowingly and voluntarily waiving certain  
25 constitutional rights, including:  
26  
27  
28

- 1 (a). The right to a jury trial;
- 2 (b). The right to see, hear and question the witnesses;
- 3 (c). The right to remain silent at trial;
- 4 (d). The right to testify at trial; and
- 5 (e). The right to compel witnesses to testify.

6 While Defendant is waiving certain constitutional rights, Defendant  
7  
8 understands that he/she retains the right to be assisted through the sentencing, and  
9  
10 any direct appeal of the conviction and sentence, by an attorney who will be  
11  
12 appointed at no cost if Defendant cannot afford to hire an attorney.

13 **6. Effect on Immigration Status:**

14 Defendant, JOSE ANTONIO GONZALEZ-SANCHEZ, recognizes that  
15  
16 pleading guilty may have consequences with respect to his/her immigration status  
17  
18 if he/she is not a citizen of the United States. Under federal law, a broad range of  
19  
20 crimes are removable offenses, including the offense to which Defendant is  
21  
22 pleading guilty. Removal and other immigration consequences are the subject of a  
23  
24 separate proceeding, however, and Defendant understands that no one, including  
25  
26 his/her attorney or the District Court, can predict to a certainty the effect of his/her  
27  
28 conviction on his/her immigration status. Defendant nevertheless affirms that  
he/she wants to plead guilty regardless of any immigration consequences that

1 his/her plea may entail, even if the consequence is his/her automatic removal from  
2 the United States.

3  
4 **7. Elements of the Offense:**

5 The United States and Defendant agree that in order to convict Defendant of  
6 Conspiracy to Distribute Heroin, in violation of 21 U.S.C. §§ 841(a)(1) &  
7 (b)(1)(A)(i) and 846, the United States would have to prove beyond a reasonable  
8 doubt the following elements:  
9

10 (a). First, from on or about July 1, 2019 and continuing to on or about  
11 December 6, 2019, there was an agreement between two or more persons to  
12 commit at least one crime as charged in the Indictment (to wit, to distribute  
13 one kilogram or more of a mixture or substance containing a detectable  
14 amount of heroin); and  
15

16 (b). Second, the Defendant became a member of the conspiracy knowing  
17 of at least one of its objects and intending to help accomplish it.  
18

19  
20 **8. Factual Basis and Statement of Facts:**

21 The United States and Defendant stipulate and agree that the following facts  
22 are accurate; that the United States could prove these facts beyond a reasonable  
23 doubt at trial; and that these facts constitute an adequate factual basis for JOSE  
24 ANTONIO GONZALEZ-SANCHEZ's guilty plea. This statement of facts does  
25 not preclude either party from presenting and arguing, for sentencing purposes,  
26  
27  
28

1 additional facts which are relevant to the guideline computation or sentencing,  
2 unless otherwise prohibited in this agreement.

3  
4 On or about September 18, 2019, Defendant agreed with other individuals to  
5 distribute heroin. Defendant was directed to travel to a residence in Pasco,  
6 Washington. Defendant did as directed and met with another individual who  
7 provided heroin to Defendant. The amount of the heroin was over one kilogram.  
8 Defendant knew the substance was heroin. Defendant was directed to transport the  
9 heroin to Tumwater for delivery to another individual. Defendant did as directed  
10 and was arrested in Tumwater with the heroin. Defendant knowingly conspired  
11 with others to distribute over 1 kilogram of a mixture or substance containing a  
12 detectable amount of heroin.  
13  
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16 **9. The United States Agrees:**

17 The United States Attorney's Office for the Eastern District of Washington  
18 agrees not to bring any additional charges against the Defendant based upon  
19 information in its possession at the time of this Plea Agreement and arising out of  
20 Defendant's conduct involving illegal activity charged in the Indictment in this  
21 case, unless the Defendant breaches this Plea Agreement any time before or after  
22 sentencing. The United States also agrees to dismiss the remaining counts of the  
23 Indictment against Defendant, if any.  
24  
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1           **10. United States Sentencing Guideline Calculations:**

2           Defendant understands and acknowledges that the Court will consult the  
3           United States Sentencing Guidelines (hereinafter "U.S.S.G.") and take them into  
4           account when sentencing. Defendant also understands, however, that pursuant to  
5           *United States v. Booker*, 543 U.S. 220 (2005), the Sentencing Guideline range is  
6           advisory and that the court is required to consider the factors set forth in 18 U.S.C.  
7           § 3553(a) and to impose a reasonable sentence.  
8

9                   (a.) Acceptance of Responsibility:

10           If Defendant pleads guilty and demonstrates a recognition and an affirmative  
11           acceptance of personal responsibility for the criminal conduct; provides complete  
12           and accurate information during the sentencing process; does not commit any  
13           obstructive conduct; and enters a plea of guilty as soon thereafter as it may be  
14           placed on the court's docket, the United States will recommend that Defendant  
15           receive a two (2) level reduction for acceptance of responsibility, and if  
16           Defendant's adjusted offense level is sixteen (16), or greater, the United States will  
17           move for a one (1)-level reduction for timeliness. See U.S.S.G. § 3E1.1(a) and (b).  
18  
19

20           The Defendant and the United States agree that the United States may at its  
21           option and upon written notice to the Defendant, not recommend a three (3) level  
22           downward reduction for acceptance of responsibility if, prior to the imposition of  
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1 sentence, the Defendant is charged or convicted of any criminal offense  
2 whatsoever or if the Defendant tests positive for any controlled substance.  
3

4 (b.) Criminal History:

5 The United States and Defendant make no agreement regarding Defendant's  
6 criminal history.  
7

8 (c.) Other Guideline Calculations:

9 The United States and Defendant agree that Defendant's Base Offense Level  
10 is 32.  
11

12 The United States and Defendant agree that a two level enhancement applies  
13 for possession of a firearm.  
14

15 The United States agrees that no other enhancements apply.

16 Defendant retains the right to argue for a minor role adjustment.  
17

18 **11. Incarceration:**

19 The United States agrees to recommend a sentence at the low end of the  
20 guideline range. Defendant may argue for any legal sentence.  
21

22 **12. Fines:**

23 The United States and Defendant reserve the right to make whatever  
24 recommendation they believe is appropriate concerning the imposition of a  
25 criminal fine.  
26  
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1           **13. Supervised Release:**

2           The United States and Defendant agree to recommend that the Court impose  
3  
4 a 5 year term of supervised release.

5           **14. Mandatory Special Penalty Assessment:**

6           Defendant agrees to pay the \$100 mandatory special penalty assessment to  
7  
8 the Clerk of Court for the Eastern District of Washington, at or before sentencing,  
9 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the  
10 United States before sentencing as proof of this payment.  
11

12           **15. Payments While Incarcerated:**

13           If Defendant lacks the financial resources to pay the monetary obligations  
14  
15 imposed by the Court, Defendant agrees to earn the money to pay toward these  
16 obligations by participating in the Bureau of Prisons' Inmate Financial  
17 Responsibility Program.  
18

19           **16. Appeal Rights:**

20           The Defendant understands that he/she has a limited right to appeal or  
21  
22 challenge the conviction and sentence imposed by the Court. The Defendant  
23 hereby expressly waives his/her right to appeal his/her conviction and the sentence  
24 the Court imposes, including any restitution order. The Defendant further  
25 expressly waives his/her right to file any post-conviction motion attacking his/her  
26 conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except  
27  
28

1 one based upon ineffective assistance of counsel based on information not now  
2 known by Defendant and which, in the exercise of due diligence, could not be  
3 known by Defendant by the time the Court imposes the sentence.  
4

5 Defendant acknowledges that this waiver shall result in the dismissal of any  
6 appeal or collateral attack Defendant might file challenging the conviction or  
7 sentence in this case, except for ineffective assistance of counsel as noted above.  
8 If Defendant files a notice of appeal, a habeas petition, or other collateral attack,  
9 notwithstanding this agreement, Defendant agrees that this case shall, upon motion  
10 of the Government, be remanded to the District Court to determine whether  
11 Defendant is in breach of this agreement and, if so, to permit the Government to  
12 withdraw from the Plea Agreement.  
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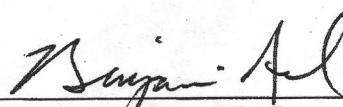
16 **17. Integration Clause:**

17 The United States and Defendant acknowledge that this document  
18 constitutes the entire Plea Agreement between the United States and Defendant,  
19 and no other promises, agreements, or conditions exist between the United States  
20 and Defendant concerning the resolution of the case. This Plea Agreement is  
21 binding only upon the United States Attorney's Office for the Eastern District of  
22 Washington, and cannot bind other federal, state or local authorities. The United  
23 States and Defendant agree that this agreement cannot be modified except in a  
24 writing that is signed by the United States and Defendant.  
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**Approvals and Signatures**

Agreed and submitted on behalf of the United States Attorney's Office for  
the Eastern District of Washington.

WILLIAM D. HYSLOP  
United States Attorney

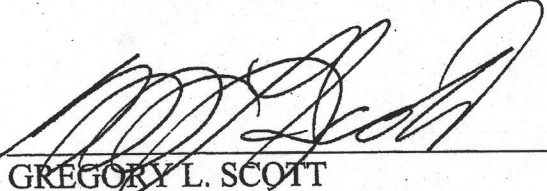
  
BENJAMIN D. SEAL  
Assistant United States Attorney

7-22-20  
Date

1 I have read this Plea Agreement and have carefully reviewed and discussed  
2 every part of the agreement with my attorney. I understand and voluntarily enter  
3 into this Plea Agreement. Furthermore, I have consulted with my attorney about  
4 my rights, I understand those rights, and I am satisfied with the representation of  
5 my attorney in this case. No other promises or inducements have been made to  
6 me, other than those contained in this Plea Agreement, and no one has threatened  
7 or forced me in any way to enter into this Plea Agreement. I am agreeing to plead  
8 guilty because I am guilty.  
9  
10  
11

12  
13 Approved By Phone 22 July 2020  
14 JOSE ANTONIO GONZALEZ-SANCHEZ Date  
15 Defendant

16 I have read the Plea Agreement and have discussed the contents of the  
17 agreement with my client. The Plea Agreement accurately and completely sets  
18 forth the entirety of the agreement between the parties. I concur in my client's  
19 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason  
20 why the Court should not accept Defendant's plea of guilty.  
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23  
24   
25 GREGORY L. SCOTT  
26 Attorney for Defendant  
27  
28

22 July 2020  
Date

1 I hereby certify that I have read and translated the entire foregoing document  
2 to Defendant in a language with which Defendant is conversant. If questions have  
3 arisen, I have notified Defendant's counsel of the questions and have not offered  
4 nor given legal advice nor personal opinions.  
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9 \_\_\_\_\_  
10 Interpreter

11 \_\_\_\_\_  
12 Date  
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